

PLANNING BOARD OF THE CITY OF BANGOR

MEETING OF FEBRUARY 15, 2005

MINUTES

Board Members Present:

**Robert Guerette, Chairman
Hal Wheeler
David Clark
Ryan King
Nathaniel Rosenblatt
Bill Masters
Jonathan Siegel**

City Staff Present:

**David Gould
James Ring
Lynn Johnson**

News Media Present:

Bangor Daily News

Chairman Guerette called the meeting to order at 7:02 p.m. Chairman Guerette deferred consideration of the Approval of Minutes until after consideration of Item No. 2, under New Business.

NEW BUSINESS

Item No. 2

Starting and Completion Date Extension approval to renovate the "Waterworks" into 35 apartments in a Downtown Development District. Shaw House, applicant.

Mr. Douglas Bouchard, Executive Director of Shaw House, spoke in favor of the proposed extension request.

Mr. Siegel wished to go on record that a conflict of interest may exist and indicated that he would not be taking part in any of the discussions. Chairman Guerette noted that as five Members were present and voting, that Mr. Siegel would not be voting on this item.

Mr. Bouchard explained that Shaw House is proposing to renovate the "Waterworks" into 35 apartments. This project not only fills the needs for additional housing but also will save this historic landmark. Mr. Bouchard explained that the project had been progressing along but after 12 months into the process, they had hit a roadblock. That roadblock being that the Railroad had taken the Maine Department of Transportation (MDOT) to court for granting Shaw House the right to cross over the railroad tracks. MDOT was victorious in that suit but the Railroad is now suing the City of Bangor. Mr. Bouchard noted that through all this, Shaw House has been able to keep all of its committed funding resources to complete this project. Because of this unforeseen delay, Shaw House is requesting an extension of its starting and completion dates.

Mr. Rosenblatt indicated that as he read the Land Development Code, the Planning Board cannot extend a completion date for more than two years from the date of the meeting. He asked Mr. Bouchard if he wished to continue this item to the March 15th meeting or go with an extension to February 15, 2007.

Mr. Bouchard indicated that he would like to put this to rest and would be agreeable to change the completion date to February 15, 2007.

Mr. Wheeler indicated that he did not see what difference a month would make and it was the intent of the Ordinance to extend the completion date two years from the original completion date. Mr. Rosenblatt disagreed and added that it would be a safer course of action for the applicant to go with February 15, 2007.

Planner Gould explained that historically, two year completion date extensions have been granted from the time it expires and not the time of the Planning Board meeting.

Chairman Guerette noted that the applicant presently has a completion date to March 15, 2005.

Mr. Rosenblatt moved to approve Shaw House's request for an extension of the completion date to February 15, 2007. Mr. Clark seconded the motion.

Mr. Wheeler indicated that he was going to doubt this motion as he felt that the date of the extension should be from the date that the original completion date expires and not the date of the Planning Board Meeting. Mr. Wheeler indicated that he was not going to vote for this motion in the absence of a ruling by the Assistant City Solicitor.

Chairman Guerette asked for a vote. The Board voted 3 in favor and 2 opposed to the motion granting the completion date extension to February 15, 2007 for Shaw House, applicant.

APPROVAL OF MINUTES

Item No. 1: Planning Board Approval of Minutes.

Mr. Rosenblatt moved to approve the minutes of the January 11, and January 25, 2005 Neighborhood Workshop Meetings. Mr. Siegel seconded the motion. The Board voted unanimously in favor of the motion to approve the Minutes.

Mr. Clark moved to approve the Minutes of the January 18, 2005 Planning Board Meeting. Mr. Rosenblatt seconded the motion. The Board voted unanimously in favor of the motion to approve the Minutes of the January 18, 2005 Planning Board Meeting.

NEW BUSINESS

Item No. 3: Planning Board Discussion of Comprehensive Plan Update.

Chairman Guerette noted the exchanges of ideas from the neighborhood workshop meetings and asked the Board if they had any suggestions for the 4th workshop meeting. He said that he felt that the Board had held three very successful meetings in terms of having citizens come to speak and they echoed many of the same sentiments about their concerns.

Chairman Guerette also said that the Board could start the discussion on things that they will need to gather or contemplate in preparation for the Board's first Planning Board Workshop to deliberate these issues and the information gathered.

Mr. Rosenblatt said that things have been going very well and he commended the Chairman in his efforts in eliciting comments from the citizens. Mr. Rosenblatt indicated that he did not see any reason to change the format or configuration as it seems to work well. Chairman Guerette indicated that he thought that the traveling microphone had contributed to that.

Mr. Clark said that he felt that the fourth workshop will be better attended than the first three were as there are a lot of issues on that side of town, and that the traveling microphone will be very important.

Chairman Guerette said that at the last meeting the Board was challenged to review how the Comprehensive Plan is written, not necessarily indicating that it be changed, or be organized and written in a more fluid, easy to read and understand format. He said that he was not sure that that can be done. For example, if you take a legal document like a will or an insurance contract it may also difficult to read, but written in a format that is following an acceptable practice and in words that have been tested over time to say exactly what they are supposed to say and not be rewritten to leave ambiguity or be subject to an interpretation that may not be accurate. He said that the Board would need to spend some time talking about this. Chairman Guerette indicated that Mr. Rosenblatt had made an excellent suggestion that the Board look at other comprehensive plans of other cities to see if there is something known as a "best practices" as to how comprehensive plans are written to help the Board better understand the document and to give the Board a boost as they begin the process of updating the Plan. He asked the Planning Office to discuss this issue with the Board as to how this could be accomplished.

Mr. Gould noted that because the State of Maine, since 1989, has mandated that communities in the State of Maine prepare a Comprehensive Plan there is an abundant supply of examples out there. It is important to get some copies from communities that are of the same kind of nature as the City of Bangor. The Winterport Comprehensive Plan probably is not a good model for Bangor to look at. A Lewiston, Auburn, or South Portland Comprehensive Plan may be a good model to look at. Mr. Gould indicated that Staff will talk with the people at the State to see which ones that would be comparable. The State, while doing the Growth Management Act, essentially did Comprehensive Plans as a sort of cookbook. They indicated which items that needed to be covered. The State does not indicate how well they think it should flow from item to item but they had a certain threshold which cities and towns had to cover specific topics. Mr. Gould noted that a community can have the best comprehensive plan in the world but if it is not followed it is a useless document.

Mr. Masters noted two planning text books, Community Design, and Contemporary Urban Planning. He told the Board that there is some good guidance in these books and that these are the manuals that train the professional planners in our country. He also suggested asking Professor Taylor from the University of Maine Graduate School, who trains planners, to give the Board a brief overview of what they are looking at. He said he would suggest this rather than comparing other comprehensive plans from other communities. Mr. Masters noted that we are in a post-industrial period as opposed to an industrial period that required a lot of housing. Mr. Masters noted Bangor's 1969 Comprehensive Plan saying that he felt that it was very readable and is a huge difference between what the current comprehensive plan is. Mr. Masters asked if there are people at City Hall who are making sure that particular projects that

the comprehensive plan identifies are being carried out. He went through the current Comprehensive Plan and found several projects that have not been implemented and wondered if they had not been completed because of budget constraints. He said that he is very pleased with the work done on the Waterfront. He also noted that he would be very happy to lend out the two textbooks and sit down with anyone in a discussion as the materials are worth taking a cursory look at.

Mr. Wheeler said that he is fearful that as substantive as the suggestions that Mr. Masters made may be, that they are adding more layers of discussion and more hours of time to the process of preparing to get ready to consider the changes and updates in the Comprehensive Plan. Mr. Wheeler said that it does not make a difference how long you have been on the Board, as it does not take long to absorb the process of the process. He thought that they all were capable of assessing and analyzing the weaknesses, strengths and necessary changes in the Comprehensive Plan that they already have. But, as a group, they represent diverse points of view with regard to development and the environment and all of the other concerns of a community such as Bangor. The Board has stimulating and constructive discussions. He said that he does not have a problem with looking at whatever information is available but did not feel that more meetings should be scheduled to consider the process at the expense of the process itself.

Mr. Clark noted that 171 years ago the City of Bangor was incorporated. He said that it behooves the Board to continue the ideals of those leaders years ago to continue to do their best and keep the public in the forefront. One thing that he noticed at the last meeting was that the people wanted to be assured that the things they were saying, and the risks they were taking by coming up and speaking, were going to matter, and were going to be recorded in some way, shape or form. The Board is taking things seriously, the comments are being recorded and for the next meeting he felt it important that those attending know that their opinions are important. Many of those attending the workshops have concerns that are in their own neighborhoods such as traffic which in his opinion, is more an engineering issue than a planning issue. These citizens should be assured that their concerns will be implemented into the Comprehensive Plan as much as possible.

Mr. King said that he felt that this is a Comprehensive Plan Update and he does not see it as large in scope as a major comprehensive review. He said that there are important issues to look at now for the future. It is important to hear what the people have to say, to see what the changes are that have occurred since 2000, and be sure that the Board can take the time and use the momentum to help insure for the next five years that what they are saying is a

part of the plan. How good it is or how bad it is or how clear it is are issues for a major Comprehensive Plan that is going to be five years from now.

Mr. Siegel said that there never seems to be time at which anything is considered to be a significant step up. Mr. Siegel said that no new traffic generator seems to be enough to make that of concern, no new building seems to be enough to make a major change in the way people see things. If we go along each time saying that this is a review process and it is not the time to tackle any more major changes, he suspects that each five-year increment will go by and things will continue as they have been. He said that Katherine Weber did not speak highly of the Comprehensive Plan in terms of its structure, flow and ease with which it could be implemented. It seems to him that something of this importance is worth spending the time to do the reading that Mr. Masters has made available.

Mr. Masters indicated that he did not mind taking the time to at least collect pertinent articles that highlight the transition period that the City is in now for the Board to use. He suggested that these articles could be forwarded to the Board electronically. Mr. Masters read a quote from a leading planner who indicated that it is the citizens, and not professional planners or designers, who identify the key issues to be addressed in the process of community design. Mr. Masters indicated that there can be only so much talking, then there needs to be a decision making stage followed by an implementation stage.

Mr. Rosenblatt indicated that other communities who do not have a planning staff as large as Bangor does often contract this work out. There are plenty of outfits who do comprehensive plans for communities in conjunction with the local planning board. He said that it was his understanding that an outside outfit is not going to be hired because of in-house staff expertise nor is there any money budgeted to do that. Given that, Mr. Rosenblatt indicated that he would first like to see other comprehensive plans to see how well they are laid out, and secondly, he said that he did not feel that the Board can postpone the chore of sitting down and going through the current Comprehensive Plan as this is the starting point. Mr. Rosenblatt said that the Board needs to look at what it has and it needs to decide what to keep and what to change. He noted that there are old plans of the City within the Comprehensive Plan and wondered if they should be included.

Chairman Guerette said that there wasn't any disagreement that the Board will need to go over the current comprehensive plan in order to incorporate the information that has been collected through the open forums, written comments and surveys submitted. Regarding the issue as to how the plan is put together structurally, he did not feel that the content of the plan would be changed but making it a more fluid and understandable would make

for an easier document to read. Chairman Guerette noted that the Board has a week off in February but he said that he felt that it was premature to meet on that day because there is one neighborhood workshop left and there would not be enough time to gather the materials that needed. In March, there are three meetings back to back and then two other weeks in March the 22nd or 29th which a meeting could be scheduled to start the process. It would be useful and productive for the Board to work with the City Staff to present to the Board a draft outline of the process at one of those meetings in early March or more likely March 15 which would be the 2nd regularly scheduled Planning Board Meeting. Perhaps on March 1st the Board could discuss which date to set aside and on the 15th look at draft of an outline of a process. Chairman Guerette encouraged the Board to gather information, look at some other comprehensive plans, academic materials, and web sites to enrich themselves with that information. Chairman Guerette said that his perspective on updating the Plan is to keep the process as simple as possible and keep as focused and directed as possible. He noted that the Board had discussed the inclusion of citizen input and the repackaging of the plan itself. With a July timeline, the Board has its work cut out for them.

Mr. Masters said that it was a hope or desire that this update could be done by July but he noted that the Board was not mandated by that date. He said that he did not feel that the Board needed to rush. Mr. Masters raised the issue as to the City Ordinances as they relate to planning. He also noted that in the current Comprehensive Plan one of the goals is to encourage the preservation of the historic buildings and encourage professional office use. He said that on-street parking is an inhibiting factor in the reuse of these buildings and he indicated that he would like to find a way to facilitate this. He did not feel that that the Ordinance was supportive of the Comprehensive Plan.

Mr. Rosenblatt asked for Staff suggestions on how to proceed. Mr. Gould indicated that the next step was to complete the neighborhood meetings, then bring together all of the comments from the meetings and surveys to see which areas warrant change. The readability and usability of the plan came up later, as the initial intent was to get some input, then see if our existing policies need to be modified or need to be changed.

There being no further comments, the meeting was adjourned at 7:59 p.m.